

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HILLSBORO FEED COMPANY, a
Washington Corporation; and SUSAN
HILLIARD, an individual residing in
Washington,

Plaintiffs,

vs.

2:13-cv-00405-PJK-LAM

CHRIS BIRO, an unmarried individual
residing in New Mexico,

Defendant.

ORDER EXTENDING TEMPORARY RESTRAINING ORDER

THIS MATTER comes on for consideration of Plaintiffs' Motion to Extend Temporary Restraining Order and Consolidate Hearing on Replevin with Preliminary Injunction filed May 30, 2013. Doc. 15. The Amended Temporary Restraining Order filed May 24, 2013 (Doc. 13) will expire on June 4, 2013.

It appears that Plaintiffs have not served Defendant who they believe to be located in Ohio. Doc. 15 at 3. Plaintiffs may continue their efforts and the court will extend the amended temporary restraining order for another 14 days. See Fed. R. Civ. P. 65(b)(2) (allowing for one 14 day extension); H-D Michigan, LLC v. Hellenic Duty Free Shops S.A., 694 F.3d 827, 844 (7th Cir. 2012) ("In our view, the language of Rule 65(b)(2) and

the great weight of authority support the view that 28 days is the outer limit for a TRO without the consent of the enjoined party, regardless of whether the TRO was issued with or without notice.”). Any other relief requested should be denied at this time.


NOW, THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that:

(1) Plaintiffs’ Motion to Extend Temporary Restraining Order and Consolidate Hearing on Replevin with Preliminary Injunction filed May 30, 2013, is granted in part;

(2) the Amended Temporary Restraining Order filed May 24, 2013 (Doc. 13) is extended an additional 14 days from June 4, 2013; and

(3) the other relief requested in the Motion is denied at this time.

DATED this 3rd day of June 2013, at Santa Fe, New Mexico.


United States Circuit Judge
Sitting by Designation